IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 67 OF 1999

IN

SUMMARY SUIT NO. 2490 OF 1998

MSTC Ltd .....Plffs.
vs.
Raigad Castings ltd .....Defnds.

Mayuri Maru i/b. Little and Co. for the plffs.

S.P. Shukla for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 13th September, 2005.

P.C. :.

1. The present suit is filed on two guarantees dated 29.7.1994. In the said guarantee the defendant has agreed to secure the claim of the plaintiff of sum of Rs.43,26,831/- for 535 tons of imported carbon steel melting scrap (threaded scrap) and Rs.16,15,562/- for 238.97/-tons of heavy

melting scrap. The plaintiff delivered the said goods but the defendant failed and neglected to make the payment. It is the case of the plaintiff that 5 post dated cheques for sum of Rs.28,98,243.48/- and one post dated cheque of Rs.30.00 lacs was issued but the said cheque was not honoured. Thereafter certain part payments are made pursuant to the consent terms passed in the company petition and according to the plaintiff inrespect of the goods sold and delivered there is an outstanding sum of Rs.7,55,451.25/- alongwith interest at the rate of 21% p.a..

2. The defendants are served with the summons for judgment. The same was adjourned sine die as the defendant company was under BIFR. The learned counsel appearing for the defendant states that the company has not come out of the BIFR. However there is no reply filed to the summons for judgment. In that view of the matter summons for judgment is made absolute. Decree as prayed. Suit as well as summons forjudgmetn disposed off accordingly.

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sd/-

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